

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:19-CR-00566-BSM

RICKY HINTON

DEFENDANT

ORDER

Ricky Hinton’s pro se motion to reduce his sentence [Doc. No. 515] is denied because the retroactive application of Amendment 821 to the Federal Sentencing Guidelines does not reduce his sentencing range. *See U.S.S.G. § 1B.10(a)(2).* This is true because the amendment merely reduces his criminal history points from 17 to 16, and therefore his criminal history category remains at level VI. Additionally, Hinton’s plea agreement “waive[d] the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2) . . .” Doc. No. 359 at 3. Because Hinton knowingly and voluntarily entered into his plea agreement, he is not entitled to relief. *See United States v. Cowan*, 781 F. App’x 571, 571–72 (8th Cir. 2019) (per curiam) (affirming dismissal of a § 3582(c)(2) motion when the record established that the defendant knowingly and voluntarily entered the plea agreement).

IT IS SO ORDERED this 13th day of March, 2024.


Brian S. Miller
UNITED STATES DISTRICT JUDGE